

Instrument prepared by:

Order recorded under:

VIRGINIA GAS AND OIL BOARD

CODE OF VIRGINIA  
§ 45.1-361.26

VIRGINIA:

BEFORE THE GAS AND OIL BOARD

## APPLICANTS:

Yukon Pocahontas Coal Company LLP, Buchanan Coal Company LLP, Sayers-Pocahontas Coal Company LLP, Plum Creek Timberlands, LP and Harold Webb, Harman Webb, John Webb, and Ruby W. Wells; Hugh MacRae Land Trust and Consolidation Coal Company

## DOCKET NO.

97-0218-0565-01

## RELIEF SOUGHT:

## Issuance:

A Supplemental Order for Disbursement of Escrowed Funds

Action: Amending Prior Orders Affecting Drilling Unit T-28, A portion of Tract 5 and all of Tract 6  
(Referenced herein as "the Subject Drilling Unit")

## Location:

Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit T-28 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

REPORT OF THE BOARDFINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on May 20, 2008 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark A. Swartz, Esq. and Leslie K Arrington CNX appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On February 18, 1997, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on July 24, 1997, Instrument Number 970002027. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on October 21, 1997, Instrument Number 970002985 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal ownership interests of Yukon Pocahontas Coal Co LLP, Buchanan Coal Company LLP, Sayers-Pocahontas Coal Company LLP, Plum Creek Timberlands LP and the gas and oil ownership interests of Harold Webb, Harman Webb, John Webb and Ruby W. Wells in a portion of Tract 5 were in conflict. In Tract 6, the coal ownership interests of Hugh MacRae Land Trust and the gas and oil ownership interests of Consolidation Coal Company were also in conflict. Both were in conflict in the Subject Drilling Unit and became subject to the escrow requirements of a Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of Tract 5 and Tract 6, a copy of which is attached to and made a part hereof, states under oath that Yukon Pocahontas Coal Company, LLP, Hugh MacRae Land Trust and others mentioned in (4.2) above, have entered into an agreement with regards to a portion of Tract 5 and Tract 6. That by the terms of the agreements, the parties have entered into a split agreement regarding these Tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required.
- 4.4 The Unit Operator gave notice to Yukon Pocahontas Coal Company, Hugh MacRae Land Trust and the applicants that the Board would consider its disbursement authorization at its hearing on May 20, 2008 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of Tract 5 and Tract 6 are identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 5 and Tract 6 plus the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting (Exhibit A) for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

5.2 Applicant has certified and represented to the Board that:

(1) Yukon Pocahontas Coal Company, LLP, Buchanan Coal Company LLP, Sayers-Pocahontas Coal Company LLP, Plum Creek Timberlands LP have coal ownership interests in a portion of Tract 5 and the gas and oil ownership interests of Harold Webb, Harman Webb, John Webb and Ruby W. Wells in this tract. In Tract 6, Hugh MacRae Land Trust has coal ownership interests and Consolidation Coal Company are the owners the gas and oil estate underlying VGOB Tract 6 of the Subject Drilling Unit;

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement  
VGOB 97-0218-0565-01

	Average Interest	Split Agreement	Acres	% of Escrowed Funds	Disbursement \$
Tract 5 (A portion of)			5.784		
Disbursement Table					
Yukon Pocahontas Coal Company Conflict included 3/5 of 9.64 acres = 5.784			5.784	99.6554%	
1 Yukon Pocahontas Coal Company PO Box 187 Tazewell VA 24651	1/2	50%	2.892	24.9139%	
2 Buchanan Coal Company LLP PO Box 187 Tazewell VA 24651	1/9	50%	0.643	5.5364%	
3 Sayers-Pocahontas Coal Company LLP PO Box 187 Tazewell VA 24651	1/18	50%	0.321	2.7682%	
4 Plum Creek Timberlands LP One Concourse Parkway Suite 755 Atlanta GA 30328	1/3	50%	1.928	16.6092%	
Sum Total			2.892	24.9139%	
1 Mona Webb Heirs (1/5 OF 3/5 conflict 9.64 = 1.928)	9.64	5.784	1.928		
2 Harold Webb 298 Morrell Town Road Bristol TN 37620	1/7 of 1/5	50%	0.2754	2.3727%	
3 Harman Webb 106 Third Ave Richlands VA 24641	1/7 of 1/5	50%	0.2754	2.3727%	
4 John Webb PO Box 577 Keen Mountain 24624	1/7 of 1/5	50%	0.2754	2.3727%	
5 Ruby W. Wells 5980 Pearl Road Parma Heights, OH 44130	1/7 of 1/5	50%	0.2754	2.3727%	
Sum Total			0.826	9.4910%	
Tract 6			0.02		
1 Hugh MacRae Land Trust PO Box 29 Tazewell VA 24651		50%	0.010	0.1723%	
2 Consolidation Coal Company Drawer 11 Oakwood VA 24631		50%	0.010	0.1723%	

## 6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

## 7. Conclusion:

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

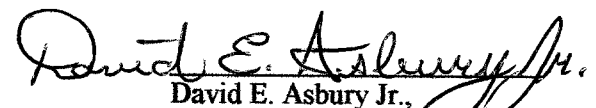
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 6<sup>th</sup> day of November, 2008, by a majority of the Virginia Gas and Oil Board.

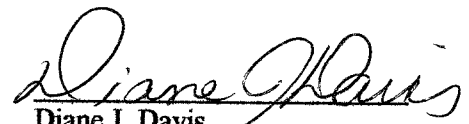
  
Benny R. Wampler, Chairman

DONE AND PERFORMED this 6<sup>th</sup> day of November, 2008, by an Order of this Board.

  
David E. Asbury Jr.,  
Principal Executive to the Staff  
Virginia Gas and Oil Board

**COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON**

Acknowledged on this 1<sup>st</sup> day of December, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Benny R. Wampler** being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, and that they executed the same and were authorized to do so.

  
Diane J. Davis  
Notary Public #174394

My commission expires: 9/30/09



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

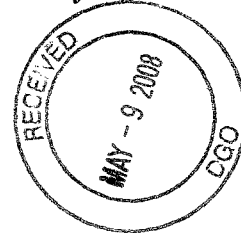
DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 97-0218-0565-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING TRACT(S) a portion of 5 and all of 6  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES

HEARING DATE: May 20, 2008

DRILLING UNIT: T-28

BUCHANAN COUNTY, VIRGINIA



MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 24701. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract 5 and all of Tract 6 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Yukon Pocahontas Coal Company, LLP, Buchanan Coal Company, LLP, Sayers-Pocahontas Coal Company, LLP, Plum Creek Timberlands, L.P. and Harold Webb, Harman Webb, John Webb and Ruby W. Wells; Hugh MacRae Land Trust and Consolidation Coal Company.

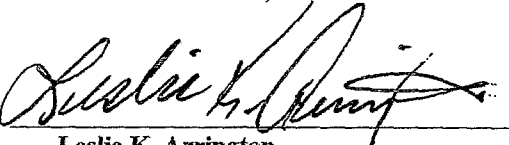
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

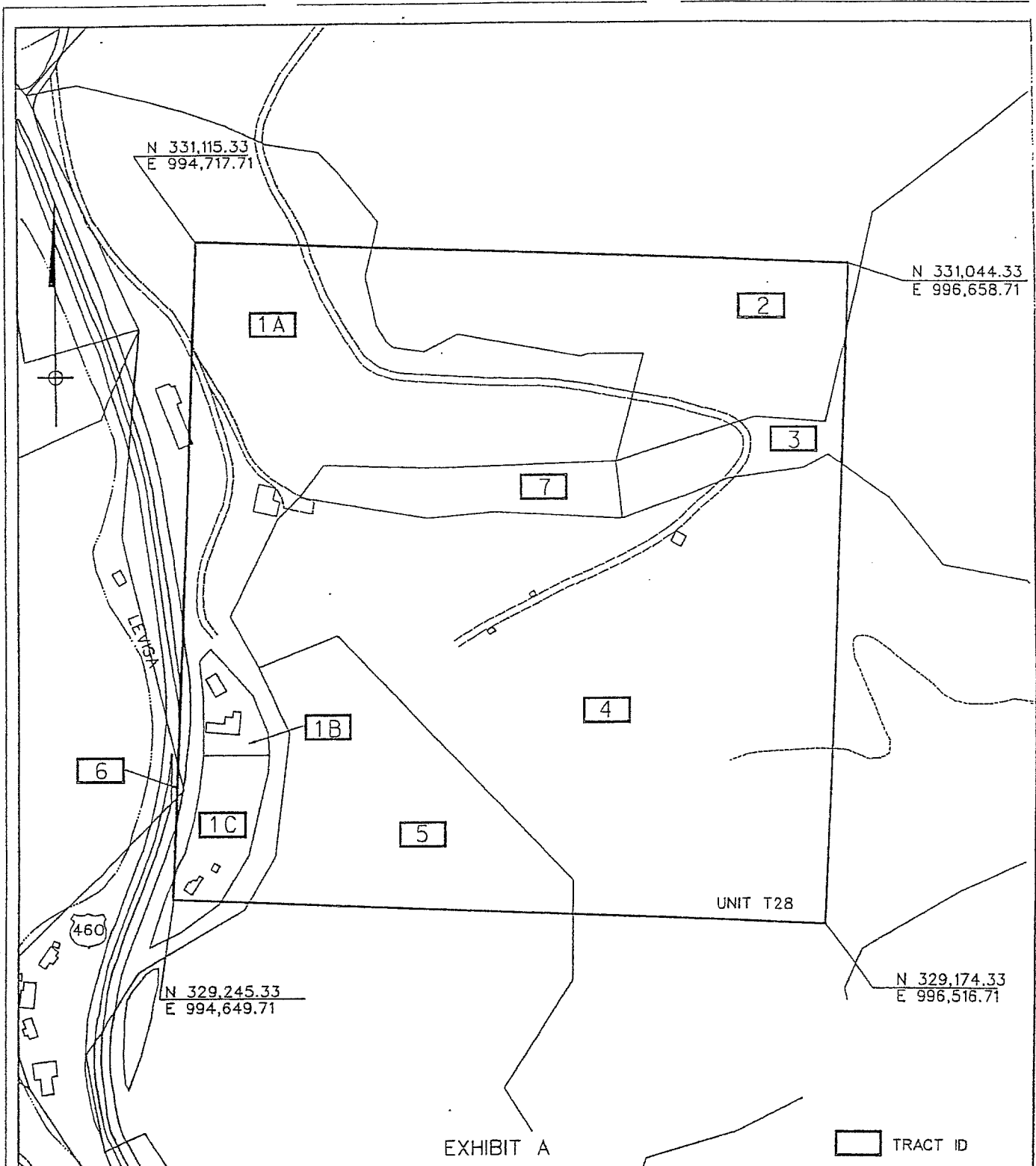
5. **Factual basis for relief requested:** Yukon Pocahontas Coal Company, LLP, Buchanan Coal Company, LLP, Sayers-Pocahontas Coal Company, LLP, Plum Creek Timberlands, L.P. and Harold Webb, Harman Webb, John Webb and Ruby W. Wells; Hugh MacRae Land Trust and Consolidation Coal Company, have entered into royalty split agreement(s). Said royalty split agreement(s) allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC  
BY IT'S PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By: 

Leslie K. Arrington  
Manager – Environmental Permitting  
CNX Gas Company LLC  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

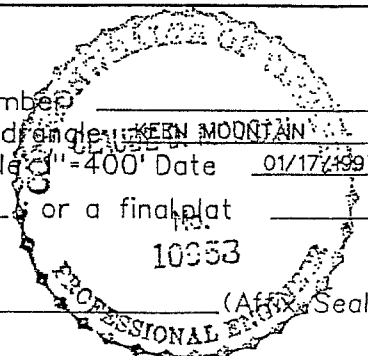


VG0B-97-0218-0565

Company CONSOL INC. Well Name and Number KEEN MOUNTAIN  
 Tract No. 10053 Elevation 10053 Quad 10053  
 County BUCHANAN District 10053 Scale 1"=400' Date 01/17/1997  
 This plat is a new plat xxx; an updated plat xxx or a final plat xxx

Form DGO-GO-7  
Rev. 9/91

Claude D. May  
Licensed Professional Engineer



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CONSOL Inc.  
CBM T-28  
Tract Identifications  
DGO-GO-7 Attachment

1. Yukon Pocahontas Coal Company, et al - Tr. 99  
Coal Oil and Gas  
Island Creek Coal Company - Coal Below Tiller  
Permac Coal Company - Coal above drainage  
Buchanan Production Company - CBM Lessee  
20.34 acres - 25.4250%
- 1A. Yukon Pocahontas Coal Company, et al - Surface
- 1B. Eddie Deskins - Surface
- 1C. Roscoe Deskins - Surface
2. Yukon Pocahontas Coal Company, et al - Tr. 24  
Fee  
Island Creek Coal Company - Coal Below Tiller  
Permac Coal Company - Coal above drainage  
Buchanan Production Company - CBM Lessee  
11.17 acres - 13.9625%
3. Yukon Pocahontas Coal Company, et al - Tr. 41  
Coal Oil and Gas  
Island Creek Coal Company - Coal Below Tiller  
Permac Coal Company - Coal above drainage  
Buchanan Production Company - CBM Lessee  
Andrew Deskins - Surface  
2.29 acres - 2.8625%
4. Yukon Pocahontas Coal Company, et al - Tr. 40  
Coal Oil and Gas  
Island Creek Coal Company - Coal Below Tiller  
Permac Coal Company - Coal above drainage  
Buchanan Production Company - CBM Lessee  
Loretta Deskins - Surface  
33.74 acres - 42.1750%

5. - 4/5 Yukon Pocahontas Coal Company, et al - Tr. 110  
1/5 C. L. Ritter Lumber Company, - Tr. 51  
Coal  
C. L. Ritter Lumber Company, et al - Oil & Gas  
Island Creek Coal Company - Coal Below Tiller  
Permac Coal Company - Coal above drainage  
Buchanan Production Company - CBM Lessee  
Yukon Pocahontas Coal Company, et al - Surface  
9.64 acres - 12.0500%
6. Hugh MacRae Land Trust - Tr. 6 - Coal  
Coal Lessees  
Island Creek Coal Company - Pocahontas No. 3 seam  
United Coal Company - Coal above drainage  
Consolidation Coal Company - Coal below drainage  
Buchanan Production Company - CBM Lessee  
Buchanan Production Company - Oil & Gas Lessee  
Consolidation Coal Company - Oil & Gas  
0.02 acres - 0.0250%
7. Yukon Pocahontas Coal Company, et al  
Coal Oil and Gas  
Island Creek Coal Company - Coal Below Tiller  
Permac Coal Company - Coal above drainage  
Buchanan Production Company - CBM Lessee  
Mary L. Mullins - Surface  
2.80 acres - 3.5000%



Exhibit E  
Unit T-28  
Docket # VGOB-97/02/18-0565  
List of Conflicting Owners/Claimants that require escrow

		Net Acres in Unit	Interest in Unit	Division of Interest in 4 Left 24.4096%	5 Left 27.6596%
<u>Tract #5, 9.64 Acre Tract</u>					
<u>COAL FEE OWNERSHIP</u>					
(1)	Yukon Pocahontas Coal Company et al., Tr.110 (Only 3/5 interest conflicting)	5.78 acres 3/5 of 9.64 acres	7.2300%	1.7648%	1.9998%
(a)	Yukon Pocahontas Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	2.89 acres 1/2 of 9.64 acres	3.6150%	0.8824%	0.9999%
(b)	Buchanan Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	0.64 acres 1/9 of 9.64 acres	0.8033%	0.1961%	0.2222%
(c)	Sayers-Pocahontas Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	0.32 acres 1/18 of 9.64 acres	0.4017%	0.0980%	0.1111%
(d)	Plum Creek Timberlands, L.P. One Concourse Parkway, Suite 755 Atlanta, GA 30328 (CBM Royalty Owner)	1.93 acres 1/3 of 9.64 acres	2.4100%	0.5883%	0.6666%
<u>OIL &amp; GAS FEE OWNERSHIP</u>					
(1)	Walter Wade Heirs, Devisees, Successors or Assigns (1/5)				
(a)	Carl Wade P. O. Box 23 Shortt Gap, VA 24647	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%	0.1111%
(b)	Eunice Wade Baldwin P. O. Box 111 Doran, VA 24612	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%	0.1111%
(c)	Stella Wade Gillespie 437 1/2 Brown Street Richlands, VA 24641	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%	0.1111%
(d)	Glayds Wade Boyd P. O. Box 374 Cedar Bluff, VA 24609	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%	0.1111%
(e)	Vinnie Wade Newberry 17339 Days Point Road Smithfield, VA 23430	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%	0.1111%
(f)	Eady Wade Smith Heirs				
(f.1)	Lula Smith Robins Rt. 3, Box 277-M Cedar Bluff, VA 24609	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%	0.0222%
(f.2)	Tom C. Smith P. O. Box 335 Doran, VA 24612	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%	0.0222%

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**Exhibit E**  
**Unit T-28**  
**Docket # VGOB-97/02/18-0565**  
**List of Conflicting Owners/Claimants that require escrow**

	Net Acres in Unit	Interest in Unit	Division of Interest in	
			4 Left 24.4096%	5 Left 27.6596%
(f.3) Dolphus Smith 905 Big Creek Road Richlands, VA 24641	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%	0.0222%
(f.4) Raymond S. Smith P. O. Box 335 Doran, VA 24612	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%	0.0222%
(f.5) Luther Smith General Delivery Doran, VA 24612	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%	0.0222%
(2) Myrty N. Ratliff Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	1.93 acres 1/5 of 9.64 acres	2.4100%	0.5883%	0.6666%
(3) Mona Webb Heirs, Devisees, Successors or Assigns (1/5)	1.93 acres 1/5 of 9.64 acres	2.4100%	0.5883%	0.6666%
(d) Virginia W. Cole c/o Carol D Ownbey 2908 Valley Farm Road Waxhaw, NC 28173	0.28 acres 1/7 of 9.64 acres	0.3446%	0.0841%	0.0953%
(e) Emma R. Hurbert c/o Bill Chambers, POA 8940 Mill Creek Road Millboro, VA 24460	0.28 acres 1/7 of 9.64 acres	0.3446%	0.0841%	0.0953%
(g) Robert W. Casey P. O. Box 45 Shortt Gap, VA 24647	0.28 acres 1/7 of 9.64 acres	0.3446%	0.0841%	0.0953%

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Exhibit EE  
Unit T-28  
Docket # VGOB-97/02/18-0565  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			4 Left 24.4096%	5 Left 27.6596%	
					5.804

**Tract #5, 9.64 Acre Tract**

**COAL FEE OWNERSHIP**

(1) Yukon Pocahontas Coal Company et al., Tr.110 (Only 3/5 interest conflicting)	5.78 acres 3/5 of 9.64 acres	7.2300%	1.7648%	1.9998%	49.8277%
(a) Yukon Pocahontas Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	2.89 acres 1/2 of 9.64 acres	3.6150%	0.8824%	0.9999%	24.9139%
(b) Buchanan Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	0.64 acres 1/9 of 9.64 acres	0.8033%	0.1961%	0.2222%	5.5364%
(c) Sayers-Pocahontas Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	0.32 acres 1/18 of 9.64 acres	0.4017%	0.0980%	0.1111%	2.7682%
(d) Plum Creek Timberlands, L.P. One Concourse Parkway, Suite 755 Atlanta, GA 30328 (CBM Royalty Owner)	1.93 acres 1/3 of 9.64 acres	2.4100%	0.5883%	0.6666%	16.6092%

**OIL & GAS FEE OWNERSHIP**

(3) Mona Webb Heirs, Devisees, Successors or Assigns (1/5) (Only accounts for 1/5 of the total 3/5 interest conflicting)	1.93 acres 1/5 of 9.64 acres	2.4100%	0.5883%	0.6666%	16.6092%
(a) Harold Webb 298 Morrell Town Rd. Bristol, TN 37620	0.28 acres 1/7 of 1.93 acres ( of 9.64 acres)	0.3443%	0.0840%	0.0952%	2.3727%
(b) Harman Webb 106 3rd Avenue Richlands, VA 24641	0.28 acres 1/7 of 1.93 acres ( of 9.64 acres)	0.3443%	0.0840%	0.0952%	2.3727%
(c) John Webb P.O. Box 577 Keen Mountain, VA 24624	0.28 acres 1/7 of 1.93 acres ( of 9.64 acres)	0.3443%	0.0840%	0.0952%	2.3727%
(f) Ruby W. Wells 5980 Pearl Road Parma Heights, OH 44130	0.28 acres 1/7 of 1.93 acres ( of 9.64 acres)	0.3443%	0.0840%	0.0952%	2.3727%

**Tract #6, 0.02 Acre Tract**

**COAL FEE OWNERSHIP**

(1) Hugh MacRae Land Trust Tr. 6 P. O. Box 29 Tazewell, VA 24651	0.02 acres	0.0250%	0.0061%	0.0069%	0.1723%
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**OIL & GAS FEE OWNERSHIP**

(1) Consolidation Coal Company Drawer L Oakwood, VA 24631	0.02 acres	0.0250%	0.0061%	0.0069%	0.1723%
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# Tract-by-Tract Escrow Calculation Account Balances as of 3/31/08

Unit T-28  
VGOB 97-0218-0565-01  
Acres Escrowed: 5.804

Owners	Tract #	Acres	Total Tract Percent of Escrow	Interest	Owners' Percent of Escrow	Amount Due Owners \$24,030.55
Yukon Pocahontas Coal Company, LLP, et al. - Coal	5	(9.64 / 5.78)	99.6554%		49.8277%	\$2,282.31
Yukon Pocahontas Coal Company, LLP		5.784		1/2	24.9139%	\$1,141.16
Buchanan Coal Company, LLP				1/9	5.5364%	\$253.59
Sayers-Pocahontas Coal Company, LLP				1/18	2.7682%	\$126.80
Plum Creek Timberlands, L.P.				1/3	16.6092%	\$760.77
Mona Webb Heirs - O&G (1/5 of 3/5 conflict or 1.928 acres)	5	1.928	33.2185%	1/5	16.6092%	\$3,991.29
Harold Webb				1/7	2.3727%	\$570.18
Harman Webb				1/7	2.3727%	\$570.18
John Webb				1/7	2.3727%	\$570.18
Ruby W. Wells				1/7	2.3727%	\$570.18
Hugh MacRae Land Trust - Coal	6	0.02	0.3446%		0.1723%	\$41.40
Consolidation Coal Company - O&G					0.1723%	\$41.40

INSTRUMENT #080004225  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
NOVEMBER 12, 2008 AT 02:51PM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: AKT

Unit T-28  
Docket #VGOB 97-0218-0565  
List of all Owners/Claimants

	Net Acres in Unit	Interest in Unit	Division of 4 Left 24.4096%
<b>I. COAL FEE OWNERSHIP</b>			
<b><u>Tract #1, 20.33 Acre Tract</u></b>			
(1) Yukon Pocahontas Coal Co. Tr. 99 P. O. Box 187 Tazewell, VA 24651	20.34 acres	25.4250%	6.2061%
<b><u>Tract #2, 11.17 Acre Tract</u></b>			
(1) Yukon Pocahontas Coal Co. Tr. 24 P. O. Box 187 Tazewell, VA 24651	11.17 acres	13.9625%	3.4082%
<b><u>Tract #3, 2.29 Acre Tract</u></b>			
(1) Yukon Pocahontas Coal Co. Tr. 41 P. O. Box 187 Tazewell, VA 24651	2.29 acres	2.8625%	0.6987%
<b><u>Tract #4, 33.74 Acre Tract</u></b>			
(1) Yukon Pocahontas Coal Co. Tr. 40 P. O. Box 187 Tazewell, VA 24651	33.74 acres	42.1750%	10.2947%
<b><u>Tract #5, 9.64 Acre Tract</u></b>			
(1) Yukon Pocahontas Coal Co. Tr. 110 P. O. Box 187 Tazewell, VA 24651	7.71 acres 4/5 of 9.64 acres	9.6400%	2.3531%
(2) C. L. Ritter Lumber Co. P. O. Box 700 Huntington, WV 25711	1.93 acres 1/5 of 9.64 acres	2.4100%	0.5883%
<b><u>Tract #6, 0.02 Acre Tract</u></b>			
(1) Hugh MacRae Land Trust Tr. 6 P. O. Box 29 Tazewell, VA 24651	0.02 acres	0.0250%	0.0061%
<b><u>Tract #7, 2.80 Acre Tract</u></b>			
(1) Yukon Pocahontas Coal Co. P. O. Box 187 Tazewell, VA 24651	2.80 acres	3.5000%	0.8543%
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #1, 20.33 Acre Tract</u></b>			
(1) Yukon Pocahontas Coal Co. Tr. 99 P. O. Box 187 Tazewell, VA 24651	20.34 acres	25.4250%	6.2061%

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**Tract #2, 11.17 Acre Tract**

(1) Yukon Pocahontas Coal Co. Tr. 24 P. O. Box 187 Tazewell, VA 24651	11.17 acres	13.9625%	3.4082%
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**Tract #3, 2.29 Acre Tract**

(1) Yukon Pocahontas Coal Co. Tr. 41 P. O. Box 187 Tazewell, VA 24651	2.29 acres	2.8625%	0.6987%
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**Tract #4, 33.74 Acre Tract**

(1) Yukon Pocahontas Coal Co. Tr. 40 P. O. Box 187 Tazewell, VA 24651	33.74 acres	42.1750%	10.2947%
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**Tract #5, 9.64 Acre Tract**

Yukon Pocahontas Coal Co. Tr. 110, et al.	9.64 acres	12.0500%	2.9414%
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(1) Yukon Pocahontas Coal Co. Tr. 110, et al. 1/5 of 9.64 acres	1.93 acres	2.4100%	0.5883%
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(a) Yukon Pocahontas Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	10.17 acres 1/2 of 9.64 acres	12.7125%	3.1031%
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(b) Buchanan Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	2.26 acres 1/9 of 9.64 acres	2.8250%	0.6896%
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(c) Sayers-Pocahontas Coal Company, LLP P.O. Box 187 Tazewell, VA 24651	1.13 acres 1/18 of 9.64 acres	1.4125%	0.3448%
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(d) Plum Creek Timberlands, L.P. One Concourse Parkway, Suite 755 Atlanta, GA 30328 (CBM Royalty Owner)	6.78 acres 1/3 of 9.64 acres	8.4750%	2.0687%
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(2) C. L. Ritter Lumber Co. Tr. 51 P. O. Box 700 Huntington, WV 25711	1.93 acres 1/5 of 9.64 acres	2.4100%	0.5883%
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(3) Myrty N. Ratliff Heirs, Devisees, Successors or Assigns Address Unknown	1.93 acres 1/5 of 9.64 acres	2.4100%	0.5883%
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(4) Mona Webb Heirs, Devisees, Successors or Assigns	1.93 acres 1/5 of 9.64 acres	2.4100%	0.5883%
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(a) Harold Webb 298 Morrell Town Rd. Bristol, TN 37620	0.28 acres 1/7 of 9.64 acres	0.3443%	0.0840%
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(b) Harman Webb 106 3rd Avenue Richlands, VA 24641	0.28 acres 1/7 of 9.64 acres	0.3443%	0.0840%
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(c) John Webb	0.28 acres	0.3443%	0.0840% 12/2/2008
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	<b>Net Acres in Unit</b>	<b>Interest in Unit</b>	<b>Division of 4 Left 24.4096%</b>
P. O.Box 577 Keen Mountain, VA 24624	1/7 of 9.64 acres		
(d) Virginia W. Cole c/o Carol Ownbey 2908 Valley Farm Road Waxhaw, NC 28173	0.28 acres 1/7 of 9.64 acres	0.3443%	0.0840%
(e) Emma R. Hurbert c/o Bill Chambers, POA 8940 Mill Creek Road Millboro, VA 24460	0.28 acres 1/7 of 9.64 acres	0.3443%	0.0840%
(f) Ruby W. Wells 6004 Engel Avenue Cleveland, OH 44127	0.28 acres 1/7 of 9.64 acres	0.3443%	0.0840%

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	<b>Net Acres in Unit</b>	<b>Interest in Unit</b>	<b>Divison of 4 Left 24.4096%</b>
(g) Robert W. Casey P. O. Box 45 Shortt Gap, VA 24647	0.28 acres 1/7 of 9.64 acres	0.3443%	0.0840%
<b>(5) Walter Wade Heirs, Devisees, Successors or Assigns</b>			
(a) Carl Wade P. O. Box 23 Shortt Gap, VA 24647	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%
(b) Eunice Wade Baldwin P. O. Box 111 Doran. VA 24612	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%
(c) Stella Wade Gillespie 437 1/2 Brown Street Richlands, VA 24641	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%
(d) Glayds Wade Boyd P. O. Box 374 Cedar Bluff, VA 24609	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%
(e) Vinnie Wade Newberry 17339 Days Point Road Smithfield, VA 23430	0.321 acres 1/30 of 9.64 acres	0.4017%	0.0980%
<b>(f) Eady Wade Smith Heirs</b>			
(f.1) Lula Smith Robins Rt. 3, Box 277-M Cedar Bluff, VA 24609	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%
(f.2) Tom C. Smith P. O. Box 335 Doran. VA 24612	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%
(f.3) Dolphus Smith 905 Big Creek Road Richlands, VA 24641	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%
(f.4) Raymond S. Smith P. O. Box 335 Doran. VA 24612	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%
(f.5) Luther Smith General Delivery Doran. VA 24612	0.064 acres 1/150 of 9.64 acres	0.0803%	0.0196%

**Tract #6, 0.02 Acre Tract**

<b>(1)</b> Consolidation Coal Company P. O. Box 947 Bluefield, VA 2465	0.02 acres	0.0250%	0.0061%
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**Tract #7, 2.80 Acre Tract**

<b>(1)</b> Yukon Pocahontas Coal Co. P. O. Box 187 Tazewell, VA 24651	2.80 acres	3.5000%	0.8543%
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Interest in	
5 Left	CBM
27.6596%	Lease #

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7.0325%

3.8620%

0.7918%

11.6654%

2.6664%

0.6666%

0.0069%

0.9681%

7.0325%      266156-000

Interest in	
5 Left	CBM
27.6596%	Lease #

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3.8620%	266156-000
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0.7918%	266156-000
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11.6654%	266156-000
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3.3330%	
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0.6666%	266156-000
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3.5162%	
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0.7814%	
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0.3907%	
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2.3442%	
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0.6666%	266151-000
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0.6666%	
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0.6666%	
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0.0952%	300004-001
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0.0952%	
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0.0952%	
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Interest in

5 Left

27.6596%

CBM

Lease #

0.0952%

0.0952%

0.0952%

Interest in	
5 Left	CBM
27.6596%	Lease #

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0.0952%

0.1111% 300003-001

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0.0069% 300007-000

0.9681% 266156-000